REMARKS

In this Amendment, Applicant amended Claims 1 – 3, 5 and 7 – 8. Claims 1 – 3, 5 and 7 – 8 have been amended to overcome the rejections and further specify the embodiments of the present invention. The support for the amendments to the claims can be found throughout the specification, for example, page 9, line 29 through page 10, line 9. In addition, the specification has been amended to be consistent with amended claims. It is respectfully submitted that no new matter has been introduced by the amended claims and specification. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

REJECTIONS UNDER 35 U.S.C. § 101:

Claims 7 – 8 have been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

It is respectfully submitted that the amended Claims 7 – 8 define the statutory subject matter – a computer readable medium encoded with a computer program comprising instruction for a computer-implemented method for temporal scalable moving-picture video signal decoding, when executed, said method causing the computer to execute various steps as defined.

Therefore, the rejection under 35 U.S.C. § 101 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 101 is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102:

Claims 1 – 6 have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Haskell (US 5,742,343). .

Applicant traverses the rejection and respectfully submits that the present-claimed invention is not anticipated by the cited reference. More specifically, Claims 1 – 3 and 5 have been amended so that conversion or encoding is completed at the same frame rate **per second**, as disclosed in the embodiments of the invention.

The Examiner alleges that Haskell discloses "converting an input interlaced moving-picture video signal into a progressive moving-picture video signal at the same frame rate as the interlaced moving-picture video signal" in FIG. 39 and column 18, lines 5 to 9. However, in column 8 lines 5 – 9, Haskell discloses that "the input to the base encoder is interlaced **rather than** the progressive input." There is no disclosure of conversion from interlaced to progressive signals.

FIG. 39 of Haskell illustrates two-interlace to progressive conversion (see column 9 lines 4 – 11). Each of the two interlaced signals and the progressive signal has different frame rates.

In contrast, the interlaced and progressive signals have the same frame rate per second, in the present invention. For example, an input 60-fps (field per second) interlaced moving-picture video signal (page 9, lines 29 and 30) is converted into a 30-FPS (frame per second) progressive video signal having 30 frames per second (page 10, lines 6 – 7). In other words, an interlaced video signal having 60 fields (30 frames) is converted into a progressive video having 30 frames, at the same frame rate per second.

If each of the Haskell's two interlaced signals has 60 fields, interlaced video signals each having 60 fields are combined into an interlaced video signal having 120 fields and then converted into a progressive video signal having 60 frames when converted at the same frame rate. Therefore, conversion is completely different between the present invention and Haskell.

Therefore, the newly presented claims are not anticipated by Haskell; and the rejection under 35 U.S.C. § 102 (b) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 (b) is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 7 – 8 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Haskell in view of Van Der Schaar (US 7,068,717).

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over Haskell in view of Van Der Schaar. As indicated above, the present invention as defined are different from Haskell. Van Der Schaar discloses a method of scalable encoding executed with computer implementation. However, the content of which is also different from the temporal scalable encoding of the present invention. The advantages of (1) to (5) listed on page 23, lines 34 through page 25, line 9 of the specification of the present invention cannot be obtained by the combination of Haskell and Van Der Schaar. It is respectfully submitted that there is no motivation in the prior art to combine Haskell with Van Der Schaar. One of ordinary skill in the art would not discern the present invention as claimed at the time of its invention.
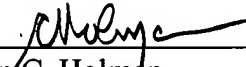
Therefore, the newly presented claims are not obvious over Haskell and Van Der Schaar and the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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